

United States District Court

For the Northern District of California

1  
2  
3  
4  
5  
6 YUHONG YAO, as Heir, and on behalf of  
7 all Heirs and the Estate of Xiulan Zhang,  
8 deceased,

9  
10 No. C 14-03561 WHA

11 Plaintiff,

12 v.  
13  
14 NORTH EAST MEDICAL SERVICES,  
15 JOSEPH KERBLESKI, JUDY HSU, BIN  
16 YAO,

17 Defendants. / **ORDER TO SHOW CAUSE  
18 AND RE CASE MANAGEMENT  
19 CONFERENCE**

20 In August 2014, plaintiff commenced this action involving alleged personal injury and  
21 wrongful death against defendants North East Medical Services, Joseph Kerbleski, Judy Hsu,  
22 and Bin Yao. Counsel for defendants North East Medical Services, Joseph Kerbleski, and Judy  
23 Hsu subsequently entered a stipulation to extend the deadline to respond to the complaint  
(Dkt. No. 17).

24 On September 16, the United States filed a notice substituting itself “in place of  
25 defendants North East Medical Services, Joseph Kerbleski, and Judy Hsu” pursuant to Section  
26 2679(d)(1) of Title 28 of the United States Code. The notice stated that as to those defendants,  
27 “this action is dismissed with prejudice as to all claims for which the United States is  
28 substituted.” The United States certified that North East Medical Services, Joseph Kerbleski,  
and Judy Hsu were “deemed employees of the Public Health Service” and were “acting in the  
scope of such employment at the time of the incident” (Dkt. No. 23-1).

1 All parties have until **NOON ON SEPTEMBER 24, 2014**, to show cause why defendants  
2 North East Medical Services, Joseph Kerbleski, and Judy Hsu should not be dismissed with  
3 prejudice and the United States should not be substituted as the “proper defendant.” If no  
4 statement is timely filed, those defendants will be dismissed and their private counsel will be  
5 terminated in this action in ECF. Please inform the Court whether the caption should be  
6 amended.

\* \* \*

8 The stipulation to continue the initial case management conference is **GRANTED IN PART**.  
9 The case management conference is hereby reset to **NOVEMBER 20, 2014, AT 11:00 A.M.**  
10 A joint case management statement is due by **NOON ON NOVEMBER 13**. Plaintiff shall promptly  
11 serve a copy of this order on all parties.

**IT IS SO ORDERED.**

Dated: September 17, 2014.

  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE